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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,171	12/21/2001	Michael Farmwald	RA001C13	8208

27846 7590 05/22/2003

RAMBUS INC.
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EXAMINER
AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
2181	7

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,171	FARMWALD ET AL.	
	Examiner	Art Unit	
	Glenn A. Auve	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *151-194* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *151-154,156-159,161-167,172-174,177,184-186,188,189,193 and 194* is/are rejected.

7)☒ Claim(s) *155,160,168-171,175,176,178-183,187 and 190-192* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on *21 December 2001* is: a)☒ approved b)☐ disapproved by the Examiner

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4,5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 162,163,172,173,177, and 194 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 162 is rejected based on lack of positive antecedent basis of "the external clock signal" on lines 3-4 and 6.

Claim 163 is rejected based on lack of positive antecedent basis of "the external clock signal" on lines 3-4 and 5-6.

Claim 172 is rejected based on lack of positive antecedent basis of "the external clock signal" on lines 2 and 5.

Claim 173 is rejected based on lack of positive antecedent basis of "the external clock signal" on lines 3-4 and 6-7.

Claim 177 is rejected based on lack of positive antecedent basis of "the input receivers" on lines 2 and 4.

Claim 194 is rejected based on lack of positive antecedent basis of "the external clock signal" on lines 3 and 5.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In*

re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 174 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,038,195. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between the patent claim and the application claim is the inclusion of the delay time register in the patent claim. It is generally accepted that the omission of an element and its function from a claim would be obvious if such an omission does not otherwise effect the way in which the device operates. Such is the case here in that the system can still be operated for transferring data without the use of such a delay time. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to remove the delay time register from claim 4 of the patent because the omission of an element and its function from the claim is not invention.

5. Claims 151-154,156-159,161,164-167,184-186,188,189, and 193 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14,17,18,19,21,23,25,26 and 28 of U.S. Patent No. 6,452,863 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because the minor differences in the claims would have been obvious.

The claims are related to one another as follows:

Applic.	Patent
151	14

152	14
153	17
154	18
156	25
157	28
158	28
159	21
161	19
164	21
165	23
166	26
167	28
184	14
185	17
186	18
188	25
189	28
193	19

With respect to these claims, the patent claims are directed to a method while the application claims are directed to an apparatus. It is generally accepted that it would be obvious to one of ordinary skill in the art to provide an apparatus for implementing a method. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the patented method claims in an apparatus in order to actually practice the method.

6. Claims 151,163,164, and 173 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,5,38, and 28 of U.S. Patent No. 6,324,120 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because the minor differences in the claims would have been obvious. The claims relate to each other as follows:

Applic.	Patent
151	1
163	5
164	38
173	28

With respect to these claims, the patent claims are directed to a method while the application claims are directed to an apparatus. It is generally accepted that it would be obvious to one of ordinary skill in the art to provide an apparatus for implementing a method. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the patented method claims in an apparatus in order to actually practice the method.

7. Claims 155,160,168-171,175,176,178-183,187, and 190-192 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations in the above claims are not specifically set forth on the claims which have already been patented in the multiple parent and related cases, and it does not appear that they would have been obvious.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly cited reference to Altman et al. shows a system that determines block size of data transfers, but it does not contain the details claimed in the application.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (703) 305-9638. The examiner can normally be reached on M-Th 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Glenn A. Auve
Primary Examiner
Art Unit 2181

gaa
May 16, 2003